

The Examiner rejected claims 1, 4-12, 20, 28-33, 36-44, 52 and 59-62 under 35 U.S.C. § 103(a) as being obvious from StarSight Telecast, Inc. WO 97/42763 (hereinafter "StarSight").

The Examiner rejected claims 2, 3, 35 and 64 under 35 U.S.C. § 103(a) as being obvious from StarSight in view of Logan et al. U.S. Patent 5,721,827 (hereinafter "Logan").

The Examiner rejected claims 13-35, 19, 34, 45-47, 51 and 63 under 35 U.S.C. § 103(a) as being obvious from StarSight in view of Klosterman U.S. Patent 5,828,945 (hereinafter "Klosterman").

The Examiner rejected claims 16, 17, 48 and 49 under 35 U.S.C. § 103(a) as being obvious from StarSight in view of Klosterman, further in view of Kummer et al. U.S. Patent 5,790,202 (hereinafter "Kummer").

The Examiner rejected claims 18 and 50 under 35 U.S.C. § 103(a) as being obvious from StarSight in view of Klosterman, in view of Kummer, further in view of Moncreiff U.S. Patent 5,828,839 (hereinafter "Moncreiff").

The Examiner rejected claims 21-22 and 53-54 under 35 U.S.C. § 103(a) as being obvious from StarSight in view of LaJoie et al. U.S. Patent 5,850,218 (hereinafter "LaJoie").

The Examiner rejected claims 23-26 and 55-57 under 35 U.S.C. § 103(a) as being obvious from StarSight in view of Youman et al. U.S. Patent 5,629,733 (hereinafter "Youman").

The Examiner rejected claims 27 and 58 under 35 U.S.C. § 103(a) as being obvious from StarSight in view of White et al. U.S. Patent 5,596,373 (hereinafter "White").

III. Summary of Applicants' Reply

Applicants have amended claims 3, 12, 32, 34, 35 and 37 to more particularly point out and distinctly claim applicants' invention.

The Examiner's rejections are respectfully traversed.

IV. Applicants' Reply to the Rejection Under 35 U.S.C. § 112

The Examiner rejected claims 3, 12, 32, 33, 34, 35, 37 and 38 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In particular, the Examiner rejected claims 3, 12, 32, 34, 35, 37 and 38 for lack of antecedent basis and claim 33 as being dependent on rejected claim 32.

Applicants have amended claims 3, 12, 32, 34, 35 and 37 to provide the requisite antecedent basis. Accordingly, applicants respectfully submit that claims 3, 12, 32, 33, 34, 35, 37 and 38 satisfy all the requirements of 35 U.S.C. § 112 and the rejection based on that statutory provision should be withdrawn.

V. Applicants' Reply to the Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 1-64 under 35 U.S.C. § 103(a) as being obvious over a combination of references, each combination described under respective Sections in the Examiner's Detailed Action (see, Detailed Action, Sections 3-10, pp. 3-11). However, in only one of said Sections -- i.e., Section 3, pp. 3-5 -- is the Examiner's rejection directed toward applicants' independent claims -- i.e., claims 1 and 36 --; the remaining Sections are all directed toward dependent claims of applicants' invention, rejected under various combinations of alleged prior art cited by the Examiner.

Because only Section 3 of the Examiner's Detailed Action is directed toward applicants' independent claims, and because in Section 3 the Examiner relies on StarSight

exclusively for its alleged disclosure of embedded real-time data and impliedly acquiesces (correctly) that none of the other references cited by the Examiner, taken alone or in combination, contain matter directed toward embedded real-time data, applicants are addressing embedded real-time data in this Reply, and StarSight in particular.

In Section 3, the Examiner rejected claims 1, 4-12, 20, 28-33, 36-44, 52 and 59-62 under 35 U.S.C. § 103(a) as being obvious "over applicant's [sic.] admitted prior art . . . in view of Starsight [sic.]" (Detailed Action, p. 3, ¶2). The Examiner's rejection is respectfully traversed.

Explanation | Applicants' invention is directed toward providing users at a multimedia system access to television program listings containing embedded real-time data over an Internet communications link. The television program listing may be, for example, for a sporting event that is currently being broadcast and the real-time data may be the current score of the event, the current weather where the event is taking place, or any other suitable real-time information on the event (see, Specification, p. 3, lines 26-30).

has text | In accordance with an illustrative embodiment of applicants' invention, dynamic information about televised events in progress is provided over an Internet communications link to users at multimedia systems by way of real-time data embedded in program listings. For example, the current score in a basketball game being played that is being televised is embedded within the row of text of the corresponding television program listing which indicates that the game is being televised -- i.e., within the program title -- (see, Specification, p. 19, lines 13-23; and FIG. 9). Similarly, real-time data pertaining to the weather may be embedded within the program title of an outdoor event such as a marathon, which may be in progress and being televised or which may be scheduled to be televised in the near future.

Because the real-time data is embedded in the television program listings, applicants' invention enables a user to, for example, view a list of sports programs by selecting the by category option from the program guide menu page, and view all corresponding embedded real-time data simultaneously along with respective program names in the program listings if one or more sport events were then in progress (see, Specification, p. 24, lines 9-21).

Independent claims 1 and 36 of applicants' invention are directed toward a system and method, respectively, for providing television program listings with embedded real-time data to users at multimedia systems over an Internet communications link.

In rejecting applicants' independent claims 1 and 36, the Examiner alleges that "Starsight [sic.] teaches a system and method for displaying and presenting an electronic program schedule guide with embedded real-time data" (Detailed Action, p. 4, lines 1-2). In support for this allegation, the Examiner cites "page 8, lines 30-32; page 12, lines 11-17" of StarSight (Detailed Action, p. 4, lines 2-3). Applicants respectfully submit that the Examiner is mistaken in his belief and has mischaracterized the reference.

Page 8, lines 30-32 of the StarSight reference relied upon by the Examiner in rejecting applicants' claims 1 and 36 pertain to "an information region" containing product information that the user may click on to "tune to an infomercial on the product." That which the Examiner relies on for an alleged disclosure of an electronic program schedule guide with embedded real-time data is a "program schedule guide with information regions for displaying additional information" (StarSight, p. 2, lines 7-8). These information regions are reserved for information that viewers may desire and are, accordingly, set apart from the program listings (see, StarSight, p. 1, line 32 - p. 2, line 4; p. 11, lines 11-12; and FIGS. 2(a) and 3(a)).

Similarly, page 12, lines 11-17 of the StarSight reference refers to an information region promoting a program that will air in the future. The reference goes on to further state that upon clicking the information region, a user may see a message screen which "displays a description of the program content." While in another embodiment, the message screen may contain an icon which the user may click on to view a video preview.

The above-referenced section of the StarSight reference relied upon by the Examiner in rejecting applicants' independent claims 1 and 36 does not teach or suggest a system or method for displaying and presenting an electronic program schedule guide with embedded real-time data. The specific example used in the above-referenced section pertains to a movie, and the information accessed by the user upon clicking on the icon relates to a video preview of the movie, clearly not real-time data.

As should be clear from the above, in contrast to applicants' invention which discloses and claims a system and a method for providing dynamic information about televised events in progress over an Internet communications link to users at multimedia systems by way of real-time data embedded in program listings, StarSight merely discloses providing information in addition to television program schedule information in regions reserved for information that viewers may desire and are, accordingly, set apart from the program listings.

Accordingly, applicants respectfully submit that StarSight neither shows nor suggests the features of applicants' claims 1 and 36 and claims which depend therefrom, and therefore these claims are in condition for allowance.

VI. Conclusion

For the reasons set forth above, applicants respectfully submit that this application, as amended, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully submitted,

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